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THE
CHARGE
TO THE
GRAND-JURY
OF THE
CITY and LIBERTY
OF
WESTMINSTER,

At the General Quarter-Session of the
Peace, held in *Westminster-Hall*,
October 6. 1725.

By SAMUEL RYDER *Esq;*

L O N D O N:

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CHARTER

OF THE

CITY OF NEW YORK

IN THE

CITY AND COUNTY OF NEW YORK

WELFARE

At the General Court of the City and County of New York, held at the Court House, in the City of New York, on the 1st day of January, 1898.

Present, the Honorable the Mayor, the Honorable the Aldermen, and the Honorable the Common Council of the City and County of New York.

Resolved, That the Charter of the City and County of New York, as amended by the Act of the Legislature of the State of New York, passed on the 1st day of March, 1897, be and the same are hereby approved.



GENTLEMEN *of the Grand En-
quest,*



THE short notice I had of the Honour designed me on this Occasion, together with the Misfortune of a Mind weakened and impaired by a long Infirmary of Body, might in reason have excused me from the Task I am now undertaking : But when I consider the Oath ye have taken, to present all such Matters as shall be given ye in Charge ; it seems to me to imply an Obligation on the Court to give ye Matters in charge : and therefore I shall endeavour to

acquit my self of that Duty in the best manner that, under such disadvantages, I am able : And that ye may the better retain what I deliver, will (by way of Method) reduce the Matters which I shall recommend to your Enquiry, to three heads.

I. *Such Offences as concern GOD, and his holy Religion establisht amongst us.*

II. *The KING.* And, lastly,

III. *Our Neighbour, or Fellow-Subject.*

I. For the First, The time would fail me to enumerate particularly the various Methods, by which God, and his holy Religion, are dishonoured in these our days. The Proclamation just now read, has in a pious and lively manner, laid the principal Grievances of this sort before ye, and thereby rendred unnecessary any Observations of mine.

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Let it suffice at present, that I mention such Offences, as abounding in this Liberty, and tending in their natures, universally to corrupt the Manners of the Inhabitants, are the great Causes of the Decay of Piety amongst us, and require our united and most serious Endeavours to suppress. These are keeping of Gaming-Houses, Bawdy-Houses, (such as experience teaches us differ from them in Name only) Retailing Strong-Water Shops, and the printing and publishing of Books and Pamphlets of an obscene and immoral tendency.

When we consider how many unfortunate Persons, who might otherwise have lived comfortably in their Families, are driven by haunting Gaming-Houses to Necessity, and put thereby on repairing their broken Fortunes, by the most capital violations of their Neighbour's Property,

ty, and how they are concealed there from the publick Justice, while those Spoils enable them to ruin others as unwary as themselves, and thus live on in a perpetual Round of Rapine and Fraud. How many on the other hand, of mean Originals, have, in a few Years raised uncommon Fortunes upon the Ruin of their Betters. How they are form'd into regular Societies, and are so hardy as to presume to defend their Settlements even with force.

How many Men taken out of Bawdy-Houses appear here at every Session upon Recognizances taken for their good Behaviour ; and how many detestable Prostitutes, found with them, appear by the Calendar of the House of Correction, to have received there the Reward of their Misdoings. When we reflect,

How

How that Degree of People especially on whose Labour and Industry the Support of the Community principally depends, are disabled by the immoderate use of strong Liquors to serve either themselves or their Country; and render themselves an insupportable Burden to the Parishes to which they belong: together with the execrable Cursing and Swearing, and odious Drunkenness that abounds in all those Places respectively.

When we find in Shops, *A Defence of publick Stews, The publick Benefits of private Vices*, with a multitude of others too gross in their Titles for modest Ears to hear mentioned, exposed to view in the most publick manner, it must needs shock every good Christian to consider what must be the unavoidable Consequence of such glaring Impiety. I exhort and charge ye,
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therefore, as Christians, for God's sake, diligently to enquire, and true Presentment make of all such Offenders ; and as *English* Men for your Country's sake ; for it is undoubtedly true, that *Righteousness exalteth a Nation, but Sin is a reproach to any People*, Prov. xiv. 34.

Gentlemen,

The established Religion of our Country, in particular, is fenced against its implacable Enemies the Papists, by the following among other wholesome Laws : All such as extol the Pope's Power a second time, (5 *Eliz.* 1.) Put in ure Popish Bulls, (13 *Eliz.* 2. Sect. 2,3.) Refuse a second Tender of the Oaths, (5 *Eliz.* 1. Sect. 11.) Pervert, or are perverted to Popery, (23 *Eliz.* 1.) Receive Popish Orders or Education, (27 *Eliz.* 2. Sect. 3.) Are guilty of High Treason. All such as make use of Papal Bulls to disturb such
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Presentations as others ought to make, (25 E. 3. Stat. 6. Sect. 4.) Pursue, or cause to be pursued, in the Court of *Rome*, any Proccesses, or Instruments, or bring, receive, notify or execute them, (*Statutes of Provisors*, and 16 R. 2. 5.) Appeal to *Rome* from any of the King's Courts, (24 H. 8. 12. and 25 H. 8. 19.) Exercise the Jurisdiction of a Suffragan without the Appointment of the Bishop of the Diocese, (26 H. 8. 14.) Refuse to elect or consecrate the Person nominated by the King to a Bishoprick, (25 H. 8. 28.) Maintain the Pope's Power the first time, (5 Eliz. 1.) Bring in *Agnus Dei's*, or such like superstitious things, (13 Eliz. 2.) Contribute to the Maintainance of a Popish Seminary, (27 Eliz. 2.) Refuse the Oaths, (13 & 14 W. 3. 6. and 1 G. 13.) are guilty of a *Præmunire*: And are all presentable by ye; as are those who relieve a Popish

Priest knowingly, being Felons by Law, (27 *Eliz.* 2.) The unparallel'd Cruelty of these Bigots towards our innocent Brethren in the North, and the wicked Obstinacy most of them persist in to hazard their Lives, and all that thro' a misguided Zeal they account dear to them, rather than give Satisfaction to the Injured, (tho' outwardly they profess Christianity) shews how little they are endued with that *Wisdom from above, which is first pure, then peaceable, gentle, and easy to be entreated, full of Mercy and good Fruits*, Jam. iii. 17. And must kindle in the Breast of every true *Briton* a Zeal for the Security of his Faith, by enforcing as much as in him lies, the Execution of Laws made against those who esteem it damnable, and watch all Opportunities to root it out of the World. But above all, under God our Religion is secured by the Settlement of the Crown upon his present Majesty
and

and his Royal Family : A King in reality as well as title, the *Defender of our Faith*; strengthened with a numerous Issue, (and may they still increase !) the solid Foundation of our present and future Happiness. Blessed be the glorious and immortal Memory of the Prince who left us this invaluable Legacy ! And be it our care to secure the Benefits of it to our latest Posterity. Which, (after pressing ye particularly to present all such as maliciously, advisedly, and directly, by writing or printing, maintain and affirm, That the Pretender hath any Right or Title to the Crown, or any other Person, otherwise than according to the Protestant Settlement ; or that the Kings and Queens of this Realm are not able, by and with the Authority of Parliament, to make Laws of sufficient Force to bind the Descent of the Crown ; who are, by Law, Traitors : And also all such

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as are guilty of a *Præmunire* by maliciously and directly affirming the same by preaching, teaching, or advised speaking, (6 *Ann.* cap. 7.) naturally leads me to consider such Offences as concern,

II. The KING. And under this head ye are to enquire of Treasons against him, by compassing, or imagining his Death, the Death of his eldest Son and Heir ; levying War against him ; adhering to his Enemies, giving them Aid or Comfort in the Realm, or elsewhere ; counterfeiting his Great or Privy Seal ; counterfeiting his Money, or bringing false into the Realm ; slaying his Chancellor, Treasurer, Justices of the one *Bench* or the other, Justices in *Eyre* or of *Affize*, and all Justices assigned to hear and determine, being in their Places, doing their Offices, (25 *E.* 3. Stat. 5. cap. 2.)

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All Felonies against him by debasing his Coin, (8 & 9 *W. 3. 25.*) Unlawfully diminishing it, (6 & 7 *W. 3. 17.*) Attempting to kill, assault, strike, or wound any Privy-Counsellor in the execution of his Office, (9 *Ann. 16.*) Passing beyond Sea to serve a foreign Prince, (3 *Jac. 4.*) Embezelling his Armour, (31 *Eliz. 4.*) Stealing his Naval Stores, (22 *Car. 2. 5.*) Counterfeiting his Stamps, or uttering, vending, or selling any Vellum, Parchment, or Paper with counterfeit Marks, knowing them to be so, (9 & 10 *W. 3. 25.*) or privately and fraudulently using any Stamps to defraud him of his Duties, (10 *Ann. 19, 26. 12 Ann. 9, 19.*)

All Misprisions of Treason, which consist in the bare knowledge and concealment of High Treason, (2 & 3 *Mar. 10.*) And such an Offence the forging foreign Coin not current
here

here is declared to be, (14 *Eliz.* 3.)

All Contempts against his Courts of Justice, by striking therein, rescuing a Prisoner from them, making an affray near them, disturbing them by threatning, or reproachful Words to any Judge sitting in them; reflecting on the Justice, or Honour of them; injuriously treating those Persons who are under the more immediate Protection of them.

All Contempts against his Prerogative, by refusing to assist him for the Good of the Publick; preferring the Interests of a foreign Prince, or disobeying his Majesty's lawful Commands, or Prohibitions.

All Contempts against his Person, or Government. To enumerate particulars under this last head, were as endless as I hope it is at this time
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unnecessary ; when we have on the Throne a Prince adorned with all the Characters even of a fine Gentleman ; whose religious Regard to his Royal Promise, often given us, to preserve our Constitution both in Church, and State, and his unbounded Clemency towards such of his Enemies as have given any signs of their Repentance, entitle him to be the Love of a Loyal and Obedient People, as he is the Care of Heaven ; if any Argument for such a Thought can be drawn from the visible interposition of Providence, to protect him from all his open, and secret Enemies. In his Reign, our Rights, Religious and Civil, are secured by the free and uninterrupted Course of Laws (made by Representatives of our own chusing) in our Courts of Justice : At the head of them, a Noble Lord sworn truly to Counsel the King, whose

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consummate Knowledge in, and remarkably impartial Administration of those Laws, had long since advanced him in the Wishes of all People, (however in other things they might differ in Opinion) to that high Station which at present he adorns. If these are Causes of Discontent, let such as think them so, depart, or be sent, to Governments more agreeable; while we at home, *Fear God, honour the King; and meddle not with them that are given to change.* Prov. xxiv. 21. I Pet. ii. 17.

III. I come in the last Place to charge ye with such Offences as concern your Neighbour, or Fellow-Subject. Of these, some are Capital; as,

I. Such as are committed against his Life, without Malice, as Manslaughter;

slaughter, or killing upon a sudden Quarrel ; or sometimes Chance-Medley, as doing a lawful Act without an intent to hurt, and Death ensues. With Malice, as Murder ; and Petit-Treason, where a Servant kills his Master or Mistress, a Wife her Husband, or an Ecclesiastical Man his Prelate.

2. Such as concern his Goods ; as Grand Larceny, or a felonious and fraudulent taking and carrying away, not from his Person, nor out of his House, above the value of twelve Pence. Petit Larceny, if of or under that Value. If any Person take away with an intent to steal any Goods to the value of forty Shillings, which they are to use in their Lodgings, this is Felony, (3 & 4 W. & M. 9.) As it is if a Servant of the Age of Eighteen Years, and not an Apprentice, withdraw himself with Goods of his Master or Mistress,

to the intent to steal the same, or without their assent or commandment, imbezil their Goods with the same intent to the value of forty Shillings, (21 *H.* 8. 7). Robbery, or a felonious and violent taking from his Person, putting him in fear. Larceny from his Person without putting him in fear, either privily, by picking his Pocket, or cutting his Purse, (8 *Eliz.* 4.) or openly ; Horse stealing, (2 & 3 *E.* 6. 3.) Stealing out of his Shop, Coach-House, or Stable, to the value of five Shillings, (10 & 11 *W.* 3. 23.) Stealing to the Value of forty Shillings or more, out of a Dwelling House, (12 *Ann.* cap. 7.) All Buyers or Receivers of stolen Goods, knowing them to be stolen, (3 & 4 *W.* & *M.* 9.) Counterfeiting Bank Notes, (8 & 9 *W.* 3. 19.) Exchequer Bills, (7 & 8 *W.* 3. 31. 8 & 9 *W.* 3. 23. 5 *Ann.* 13. 7 *Ann.*

Ann. 7. 9 Ann. 7. 1 Geo. 12.)
 South-Sea Bonds, (*9 Ann. 21.*) or
 Lottery Orders, (*12 Ann. 2.*)

3. Such as concern his Habitation, as Burglary, or breaking and entering the Mansion-House of an other in the Night-time, to the intent to commit some Felony within the same, whether the felonious Intent be executed or not. Arson, which consists in maliciously and wilfully burning the House of an other by day or by night.

Ye are likewise to present Offences against Women, as Rapes, forcibly marrying of Women of substance against their Will, (*3 H. 7. 2.*) All Persons who being married, do marry any Person or Persons, the former Husband or Wife being alive, (*1 Jac. 11.*) All such as on purpose, and of Malice fore-thought,
 and

and by lying in wait, unlawfully cut out, or disable the Tongue, put out an Eye, slit the Nose, cut off a Nose, or cut off and disable any Limb, with an intent to disfigure any Person, (22 *E.* 23 *Car.* 2. 1.)

Of Offences not Capital presentable likewise by ye, there are great numbers ; such as Misprision of Felony, which is a concealment or procuring the concealment thereof, (3 *E.* 1. 9. 3 *H.* 7. 1.) Theft-bote, where one not only knows of a Felony, but takes his Goods again, or other amends not to prosecute. All Assaults and Batteries, Affrays, forcible Entries and Detainers, (5 *R.* 2. 7. 15 *R.* 2. 2. 8 *H.* 6. 9. 31 *Eliz.* 11. 21 *Jac.* 1. 15.) Riots, Routs, unlawful Assemblies, (34 *E.* 3. 1. 17 *R.* 2. 8. 13 *H.* 4. 7. 19 *H.* 7. 13.) Neglect or Breach of Duty in Officers, Bribery,

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(12 *R.* 2. 2. 4 *H.* 4. 5. 5 *Ɔ* 6 *E.* 6. 16.) Extortion, (3 *E.* 1. 26.) tho' disguised under the plausible Name of Charity for poor House-keepers, or any other name. Perjury and Subornation thereof, (5 *Eliz.* 9.) Forgery, (5 *Eliz.* 14.) Cheats, (33 *H.* 8. 1.) Conspiracies, Libels, common Nufances in the High-ways, (13 *E.* 1. 5. 5 *Eliz.* 13. 18 *Eliz.* 10. 2 *Ɔ* 3 *Ph.* *Ɔ* *M.* 8. 22 *Car.* 2. 12. 3 *Ɔ* 4 *W.* *Ɔ* *M.* 12. 7 *Ɔ* 8 *W.* 3. 29. 8 *Ɔ* 9 *W.* 3. 15. 6 *Ann.* 29. 9 *Ann.* 18. 1 *Geo.* 11.) by doing any Act to render them less commodious to the King's People ; in Bridges, by suffering them to be out of repair ; in Publick-houses, (12 *E.* 2. 6. 6 *R.* 2. 9. 3 *H.* 8. 8. 5 *Ɔ* 6 *E.* 6. 25. 1 *Jac.* 1. 9. 4 *Jac.* 1. 15. 21 *Jac.* 1. 7, 21. 1 *Car.* 1. 4. 3 *Car.* 1. 3.) by usually harbouring Thieves, or Persons of scandalous Reputation, or suffering Disorders therein ; setting up a
new

new one where there is no need, or in a Place otherwise unfit in respect of its situation. Monopolies, (21 *Jac.* 1. 3. 16 *Car.* 1. 21.) Forestalling, Ingrossing, and Regrating, (5 & 6 *E.* 6. 14.) False Weights and Measures, (9 *H.* 3. 25. 51 *H.* 3. Stat. 6. 31 *E.* 1. 14 *E.* 3. 12. 25 *E.* 3. Stat. 5. 9. 27 *E.* 3. 10. 13 *R.* 2. 9. 15 *R.* 2. 4. 16 *R.* 2. 3. 1 *H.* 5, 10. 2 *H.* 6. 11. 8 *H.* 6. 5. 11 *H.* 6. 8. 7 *H.* 7. 4. 12 *H.* 7. 5. 22 *Car.* 2. 8. 11 & 12 *W.* 3. 15.) Barratry, Usury, (12 *Ann.* 16.) Maintenance, (1 *E.* 3. 14. 20 *E.* 3. 4. 1 *R.* 2. 4.) or the upholding of Quarrels or Sides, either in the Country, or in Courts of Justice, by maintaining one Side to have part of the thing in suit, which is called Champerty, (3 *E.* 1. 25. 13 *E.* 1. 49. 28 *E.* 1. 11.) or labouring the Jury, which is called Embracery, (5 *E.* 3. 10. 34 *E.* 3. 8. 38 *E.* 3. 12.) Lastly,

Lastly, buying or selling pretendep Titles, (1 R. 2. 9. 32 H. 8. 9.) And every other Offence omitted by me, which your Experience can suggest to ye.

Gentlemen,

Having thus mentioned to ye in general, the Offences which ye are to enquire of, and present; I forbear an exact Disquisition of the particular Acts which may make any Persons guilty of any of them; both because it is scarce possible that your Memories should retain them sufficiently to be of any use to ye in your Enquiries, and because Precedents allow ye the liberty of desiring the Assistance of the Court, by examining the Witnesses in your Presence, and giving their Opinion and Direction

rection therein, in case of any Doubt amongst ye. But I cannot conclude, without making one Observation useful for your Conduct, which I the rather do, because I do not remember it ever to have been touch'd upon in this place.

Gentlemen,

Ye have bound yourselves by your Oath, not only to present such Matters as shall be given ye in Charge, but all other Matters and Things as come to your Knowledge touching this present Service. Ye are sworn for the body of the City and Liberty, and are, or ought to be returned out of different Quarters of it, that no Offence in your several Neighbourhoods, nor probably throughout the Liberty, may escape

escape the Knowledge of one or the other of ye. I cannot impute it to a wilful Breach of, but to want of Attention to, the Oath in those who have gone before ye ; that scarce any thing has been presented but what comes from particular Prosecutors.

The few, scandalously few Presentments of the Constables, whose almost daily walking through, and acquaintance with all the parts of the Liberty, cannot fail of conveying to their Knowledge that infinite number of Annoyances, which every body takes notice of but themselves, add but to the Necessity of this Remark ;

To press the Obligation of your Oath, of which ye cannot be insensible, too much upon ye, would shew an unbecoming Distrust of ye thus informed. In a word,

Imitate therefore (but upon nobler Motives than theirs) the Behaviour of that other Jury of this Liberty, through whose diligent Enquiry, scarce any the least Annoyance escapes unpresented.

For the rest, — If ye present no Person for Hatred, Malice, or Ill-will, nor leave any unpresented for Love, Favour, or Affection, Gain, Reward, or Hopes thereof, ye have fulfilled your Duty: And besides
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meriting the Thanks of the Court
in a particular manner, ye will have
the Comfort, by *Converting many
from the Error of their ways ; of sa-
ving Souls from death, and hiding a
multitude of Sins.* James v. 20.

F I N I S.



E R R A T A.

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r. 24.

presenting the Thanks of the Court
in a particular manner, ye will have
the Command by Counting down
from the front of their court a
certain number of men, and riding a
certain number of days, James, &c.

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